

Cooperative Agreements:

Continuity through Collaboration



Perhaps you have a diverse group of byway participants, but are unsure how to coordinate your efforts to reach your shared goal. If your byway crosses numerous jurisdictions, you need a way to ensure continuity throughout the byway. A cooperative agreement can be a useful tool for combining the efforts of multiple entities.



Groups that want to formalize their working relationships may choose to draft a document called a cooperative agreement (also termed an interagency agreement or memorandum of understanding). Although the document doesn't have legal status, it does outline the responsibilities and commitments of each participating agency. In Colorado, the Los Caminos Antiquos Scenic & Historic Byway has established a Memorandum of Understanding with local counties, federal agencies, city governments, and the Colorado Departments of Transportation and Parks and Outdoor Recreation. The Great Sand Dunes National Monument draws thousands of visitors to this region each year.

At a Glance: Cooperative Agreements

The following chart will help you understand the benefits and limitations of cooperative agreements.

Cooperative Agreements

Basic Characteristics	Limitations	Benefits
<ul style="list-style-type: none"> • Entities commit staff/resources to a common goal. • Formed by a combination of agencies (public, private or both). • A cooperative agreement defines the scope of power (when and how it can be exercised). • Not always as formal as a joint powers entity. 	<ul style="list-style-type: none"> • Coordination of individual efforts not guaranteed. • Doesn't have legal standing and liability would revert back to individual agencies. • Cannot hire staff except through a member agency. • When vaguely defined, leadership, decision making and meetings can be absent or inconsistent. 	<ul style="list-style-type: none"> • Links like-minded organizations. • Individual entities retain control over their own resources. • Relatively simple to create. • Good format for groups in the beginning stages of formation.

A Mechanism for Collaboration

Cooperative agreements, generally termed an interagency agreement or memorandum of understanding, are mechanisms by which two or more agencies or organizations state their intentions to work collaboratively toward a common goal. The actual agreement, a written document, can range in complexity from a general statement of cooperation or affiliation to a more comprehensive document that outlines specific plans and procedures for accomplishing a shared goal. Regardless of its specificity, the agreement should be the foundation for a goal-directed action plan that produces concrete results.



Freight wagons no longer cross the prairies, but the legacy of the Santa Fe Trail endures as buildings, historic sites, landmarks and original wagon-wheel ruts. Today, however, much of the Santa Fe Trail is privately owned. The Santa Fe Trail Association, in cooperation with the National Park Service, works with local landowners to “certify” properties along the Trail. Certified sites become part of the National Historic Trail and are marked with an official Trail sign. A cooperative agreement is drawn up between the National Park Service and the property owner. The certification agreement is not a legal document, but rather a good-faith expression of mutual expectations and interests. The agreement is completely voluntary, and can be terminated by either party at any time. In this partnership, landowners agree to manage the site so as to protect its resources, and to provide for “appropriate” (often limited) public use. In exchange, the landowners receive technical assistance in areas such as historic preservation, archaeological protection, architecture, engineering, landscape architecture, planning, maintenance, trail building and interpretation.



How Complex Are Cooperative Agreements?

Some byways use a rather simple cooperative agreement to formalize the cooperation between partners, while others draft a detailed agreement that spells out the responsibilities of each of the participants.

Cooperative Agreement Advantages

A cooperative agreement is less formal than other organizational structures, such as a nonprofit corporation or joint powers entity. Cooperative agreements can include a mix of governmental as well as non-governmental agencies. A cooperative agreement does not create a new entity, so, the staff, resources and significant control remain with the member agencies. As a result, partner organizations may feel more comfortable entering into such an agreement.

The Agreement's Components

The relationship between partner organizations should be outlined in a written agreement. This document can be fairly simple or quite detailed. At minimum, the agreement should list the group's purpose, the parties involved, their intentions in working together and the resources that each party will contribute. The agreement should also state what happens if the organization is dissolved. The agreement should be reviewed and approved by those with the authority to carry out the document's commitments.

A more comprehensive agreement may contain the following components:

1. General/Introductory

- Title
- Table of contents
- Agencies included
- Purpose of agreement/mission
- Vision
- Members' names and titles

2. Responsibilities

- Agency roles and functions

3. Process

- Meetings
- Quorums
- Decision-making process
- Conflict resolution

4. Finances

- Financial expectations

5. Conclusion

- Process for reviewing/revising agreement
- Provisions for addition, removal or resignation of members
- Termination process
- Procedures for disbursing contributed assets remaining after agreement termination
- Glossary of terms (include acronyms)

6. Attachments

- Plans
- Studies ★





CASE STUDY: Top of the Rockies

Top of the Rockies Scenic and Historic Byway (Colorado): A Three-County Model of Teamwork

The high altitudes seem to mirror the high aspirations and high levels of teamwork that exist along Top of the Rockies Scenic and Historic Byway in Colorado.

The byway winds through amazing mountain landscapes, past the two highest peaks in Colorado, through Leadville, the highest incorporated town in the United States (at 10,200 feet), and into pieces of Colorado history. Tales of indigenous peoples, early fortune seeking miners, and the brave men of the Tenth Mountain Division are an intriguing part of this byway's story. This 82-mile route crosses the Continental Divide twice and traces the Arkansas River nearly to its source in the vicinity of Fremont Pass. The small communities of Redcliff, Minturn and Twin Lakes add distinct charm to the traveler's experience.



An Intergovernmental Cooperative Agreement

The Top of the Rockies byway organization is an intergovernmental cooperative agreement among Lake, Eagle and Summit Counties in Colorado. This is an area whose economic base once relied on mining, and now relies on tourism. Eagle and Summit Counties are home to several large ski resort areas, including Copper Mountain, Breckenridge, Keystone and Vail. While the byway is a nice added benefit to these two ski counties, it plays a critical role in drawing tourism to Lake County. For this reason, Lake County has always taken a more active role within the byway organization. Lake County currently serves as the administrative and fiscal agent for the byway, organizing meetings, preparing grant applications, issuing Request For Proposals (RFPs) and managing funds.

A cooperative agreement can be formed by a combination of agencies—public, private or both. Top of the Rockies Scenic and Historic Byway has an intergovernmental agreement between Lake, Eagle and Summit counties in Colorado. The byway organization also includes other important partners—tourism, landowners, federal agencies, land trusts, universities, historical societies and interested citizens.

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A regional committee includes three representatives from each of the three counties and a representative from the USDA Forest Service. The group doesn't use a formal process for making committee appointments. Instead, the opportunity tends to fall to those individuals interested in participating. The committee meets as needed, usually once a month. When projects reach full swing, the group meets more often. Members compare calendars through e-mail, scheduling meetings when the majority can attend.

Citizen volunteers support the committee, as well as representatives connected to county administration, city planning, public relations, parks and recreation, chambers of commerce, a ski resort and a local college. In addition to the regional committee, Lake County maintains a strong and active local committee. Byway organizers reach out to the local communities to find expertise when they need specific assistance.

Teamwork Works

Catherine Patti, Lake County Administrator and byway leader, is proud of the teamwork that is prevalent within the byway organization. She said, "Even though it's kind of a loose structure, it's been very positive and successful because of the teamwork. The understanding between all the counties is that whoever shows up for the meetings makes the decisions. If there's two people there, then they make the decision. If there's ten people there, then they make the decision. Decisions are made by those that 'show up' and it's worked really well. When decisions are made, we try to take all three counties into consideration, even when they may not have a representative at the meeting. We try to take the whole byway into account. It's amazing because there's been wonderful teamwork."

"We've always stressed the importance of having a byway organization that is well represented by three basic groups: the tourism industry, local government (including state and federal agencies), and major landowners (private, local, state, or federal). Add to that interest groups such as local historical societies, land trusts, colleges and universities, and interested citizens, and you have the makings of a great byway organization. The Top of the Rockies fits that description."

Sally Pearce, State Scenic Byway Coordinator, Colorado Department of Transportation

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CASE STUDY: Top of the Rockies

Coordination Prevails

Reportedly, the group has been able to reach consensus in every instance since its inception.

Surrounded by National Forests (White Mountain NF, Arapaho NF, Pike NF and San Isabel NF), the byway sees the USDA Forest Service as an important partner. There is a lot of coordination on projects. For example, when the byway was outlining an interpretive management plan, they knew that the USDA Forest Service had completed an interpretive plan for Camp Hale, historical training site of the famous WWII Tenth Mountain Division. It made sense to work together, and efforts were not duplicated.



The byway also reaches out to other partner organizations, such as the Lake County Open Space Initiative (a 20-member board comprised of federal, state, and local agencies and organizations). By working with this organization, a recreational facility project at Hayden Meadow was expanded to serve as an interpretive and educational facility.

The byway organization is currently updating its corridor management plan, since the group “essentially completed all the action items” in the original plan. Projects have included a byway video, an orientation map, byway signage, a historical walking tour brochure and an interpretive management plan.

Successful organizations have good leaders. Catherine Patti, Lake County Administrator, and Sally Pearce, Colorado Department of Transportation, exemplify key leadership traits: vision, organization, enthusiasm, teamwork and communication.

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Looking at Organizational Options

The group's current goal is to find a structure that will establish the byway organization as its own legal entity. Members are researching options, such as becoming a 501(c)(3) nonprofit organization. After that, they will identify funding mechanisms to separate fiscal agency from Lake County. This will relieve the County from time-consuming paperwork and separate the byway's finances from local politics. The County supports these efforts. While County Commissioners value the scenic byways program, they realize it ties up limited staff resources to prepare and administer grants.

The byway organization expects that the regional committee will remain the same, with representatives from the three byway counties, the USDA Forest Service and citizen volunteers. The group envisions hiring a part-time byway administrator. Already, a \$25,000 seed grant from the National Scenic Byways Program will help the organization move forward.

Patti explained how a new structure will benefit the byway. "We look forward to hiring a byway coordinator. We're not being as effective as we could be, the way we are currently set up. Everyone on the committee is a volunteer and they all have other jobs. There is no time to participate in the monthly conference calls with the national program, gain new knowledge and information, and have discussions with other people that could help us," she said.

There's no doubt that a high level of teamwork will be part of a new organizational structure. "We've got a good group of people who really see the benefits that the byway can bring to the communities in terms of tourism and economic development. People really care about the communities and they care about maintaining the assets along the byway," noted Patti.

See Appendix F for a copy of Top of the Rockies intergovernmental cooperative agreement. ★